

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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March 16, 2006

RE: Ruling on Missouri/New York State Reciprocity for Direct Shipping

The purpose of this document is to facilitate the efforts of Missouri wineries in obtaining a Direct Shipper's License from the State of New York. The New York State Division of Alcoholic Beverage Control requires the Missouri Division of Alcohol and Tobacco Control to issue this ruling in order to comply with Section 79-c.(1) of the New York Alcoholic Beverage Control Law.

A licensed Missouri winery applying to obtain a New York State Direct Shipper's License must supply, with the license application, a ruling from the Missouri Division of Alcohol and Tobacco Control that a New York State wine manufacturer may directly sell and ship (or may apply for a license to directly sell and ship) wine produced by the New York State wine manufacturer to a resident customer in Missouri for personal use and not for resale.

Missouri Revised Statute 311.462, RSMo, provides for the reciprocal interstate shipment of wine directly to consumers. It states that an adult resident or holder of an alcoholic beverage license in this state or a state which affords Missouri licensees or adult residents an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than two cases of wine, each case containing not more than nine liters, per year to any adult resident of this state. The shipping container of any wine sent into or out of this state under this section shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of twenty-one years or to an intoxicated person. In addition, no broker within this state may solicit consumers to engage in interstate reciprocal wine shipments under this section. No shipper located outside this state may advertise such interstate reciprocal wine shipments in this state.

The Missouri Division of Alcohol and Tobacco Control has reviewed the New York and Missouri statutes and has determined that the reciprocity statutes permit wine manufacturers of each state to directly ship wine to the other state. New York wineries may ship wine at retail to adult Missouri residents and Missouri wineries may ship wine at retail to adult New York residents in accordance with Missouri Revised Statute 311.462, RSMo. A copy of this advisory may be submitted as the Missouri ruling to the New York State Liquor Authority by any Missouri winery seeking to obtain a Direct Shipper's License pursuant to Section 79-c.

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